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July 31, 2017

VIA HAND DELIVERY and EMAIL – FILED UNDER SEAL

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007
ForrestNYSDCchambers@nysd.uscourts.gov

Re: Krechmer v. Tantaros, et al., Docket No. 16-cv-7820

Dear Judge Forrest:

I write to request a 10-day extension of the sealing order because of a health issue. On July 18, 2017, I underwent back surgery. Starting immediately after the July 4 weekend, I have suffered through severe pain both before and after the surgery. As a result, until this past weekend, I was taking pain medication which prohibited me from responsibly practicing law in matters requiring judgment, strategy, and/or legal analysis. While I am no longer on pain medication which clouds my judgment, I am still under my doctor's orders not to work more than a few hours a day. In any event, I do not yet have the stamina to work more hours each day. Needless to say, the backlog of work for my clients is daunting.

I therefore ask for a brief extension so that I can consider and discuss with my client the advisability of seeking a stay of Your Honor's Order from the Court of Appeals, or perhaps seeking reargument before Your Honor.

If Your Honor rejects this request, I ask that Your Honor at least stay the unsealing of Paragraph 39 of the Complaint, and all references to the purported message underlying the Complaint in all papers that have been submitted to the Court. I would direct my office to work expeditiously with opposing counsel to identify and arrange for the redaction of all references thereto. The reference to [REDACTED] serves no purpose in the pleading. Indeed, my recollection is that, during one of the appearances before Your Honor, opposing counsel agreed to redact paragraph 39 and all references to the allegations therein in any papers submitted to the court. (I am directing my office to secure all transcripts of those proceedings).

I know what is going to happen here absent a limited sealing. Fox News will successfully ensure the humiliation of Ms. Tantaros because it will use its vaunted media relations department

JUDD BURSTEIN, P.C.

The Honorable Katherine B. Forrest
July 31, 2017
Page 2

to ensure that the focus of media stories about the unsealing will be on this false allegation. Thereafter, any Google search of Ms. Tantaros will tie her to that supposed message (as well as the [REDACTED] reply). In addition, Fox News will undoubtedly fill social media with this wholly irrelevant and false allegation. For more than two years, Ms. Tantaros has been victimized by the Fox News media machine and its constant efforts to denigrate her, as well as by other misconduct (including a fraudulent "sockpuppet" social media campaign against her and illegal electronic surveillance) which is the subject of the case pending before Judge Daniels, which I do intend to seek to have assigned to Your Honor as a related case.

Even more disturbingly, it is crystal clear that the supposed message (Exhibit A hereto) is a fraud. I have annexed hereto as Exhibit B a letter from Cycura, a computer forensic firm so respected that it includes numerous government intelligence agencies among its clients, explaining why Exhibit A is not genuine.¹

While the *bona fides* of the text message might be litigated in this case, the message might also never see the light of day if Your Honor grants this limited sealing request and then dismisses the case. But even if the matter is publicly litigated, and a fact-finder agrees that the purported message is a fraud, Ms. Tantaros will remain a victim because, as Winston Churchill famously noted, a "lie gets halfway around the world before the truth has a chance to get its pants on."

Respectfully submitted,

Judd Burstein

cc: Jay M. Wolman, Esq. (via Email)

ORDER

The seal is hereby extended until
Friday, August 4, 2017.

SO ORDERED.
July 31, 2017



KATHERINE B. FORREST
United States District Judge

¹ Indeed, as the Court will recall, opposing counsel acknowledged that the word [REDACTED] had not been bolded in the original version of the message, and that the message was admittedly manipulated in at least this respect.